

SIDLEY & AUSTIN
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

CHICAGO
DALLAS
LOS ANGELES
NEW YORK
SEATTLE

1722 EYE STREET, N.W.
WASHINGTON, D.C. 20006
TELEPHONE 202 736 8000
FACSIMILE 202 736 8711

HONG KONG
LONDON
SHANGHAI
SINGAPORE
TOKYO

FOUNDED 1866

WRITER'S DIRECT NUMBER
(202) 736-8119

WRITER'S E-MAIL ADDRESS
waze@sidley.com

DOCKET FILE COPY ORIGINAL

December 4, 2000

VIA HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Room TW-A325
445 Twelfth Street, S.W.
Washington, DC 20554

RECEIVED

DEC - 4 2000

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

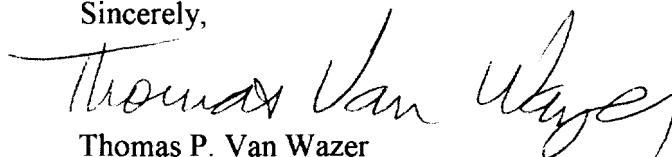
Re: Reply to Opposition to Petition for Reconsideration
Amendment of Section 73.622(b), Table of Allotments
Digital Television Broadcast Stations (Urbana, Illinois)
MM Docket No. 00-76; RM-9809

Dear Ms. Salas:

Transmitted herewith on behalf of WGN Continental Broadcasting Company are an original and four copies of its Reply to Opposition for Petition for Reconsideration in the above referenced matter.

Please direct any questions regarding this matter to the undersigned.

Sincerely,


Thomas P. Van Wazer

Enclosure

No. of Copies rec'd
List A B C D E

0 + 4

Before the
Federal Communications Commission
Washington, D.C. 20554

ORIGINAL

In the Matter of)
)
Amendment of Section 73.622(b),)
Table of Allotments,)
Digital Television Broadcast Stations)
(Urbana, Illinois))
)

MM Docket No. 00-76

RM-9809 RECEIVED

DEC - 4 2000

To: The Chief, Video Services Division

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY TO OPPOSITION TO PETITION FOR RECONSIDERATION

WGN Continental Broadcasting Company ("WGN"), licensee of commercial television station WGN-TV, NTSC Channel 9, Chicago, Illinois, hereby submits its reply in response to the Opposition to Petition for Reconsideration ("Opposition") filed by the University of Illinois, licensee of noncommercial television station WILL-TV, Urbana, Illinois, in the above captioned proceeding. WGN submits that because recent information suggests the existence of higher levels of DTV-into-NTSC interference on high band VHF channels than predicted, WILL's voluntary DTV channel change request is no longer in the public interest. *See Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Urbana, Illinois)*, MM Docket No. 00-76, released October 2, 2000 ("*Urbana Order*").

WILL's Opposition is more instructive for what it does not say than for what it does. First, although WILL complains that WGN's Petition for Reconsideration was "woefully late in the process," WILL does not dispute that the basis for WGN's concerns about the DTV channel change – namely, the concern about increased interference as demonstrated by the WOOD-TV situation in Grand Rapids, Michigan – did not come to light until recently. As WGN noted in its Petition for Reconsideration, LIN Television's WOOD-TV, NTSC Channel 8, apparently suffered significantly higher levels of incremental interference from the co-channel DTV operations of WMVS-DT, Milwaukee, Wisconsin, than predicted by OET 69. *See* "LIN Chief Unhappy with Static from

DTV,” *Electronic Media*, page 8, September 25, 2000 (“WOOD-TV...recently lost access to as many as 100,000 viewers to interference...[although] WMVS-TV was operating legally and in a way that should have limited interference to a level below that allowed under Federal Communications Commission rules.”). This information was only made public in September, 2000, and thus WGN was precluded from bringing it to the Commission’s attention earlier in this proceeding. The one objection asserted by WILL – that nothing establishes a connection between WOOD and WGN – is misplaced. The similar propagation characteristics of WOOD-TV’s NTSC channel 8 and WGN-TV’s NTSC channel 9 provides ample basis to be concerned about increased interference caused by WILL’s proposed channel change.

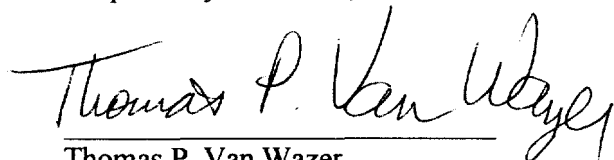
Second, WILL’s Opposition does not identify any supplemental public interest benefits to support its channel change request. Instead, WILL’s Opposition implicitly acknowledges that it relied on cost savings alone to support the requested channel change.

Finally, WILL’s Opposition does not even address WGN’s assertion that this voluntary DTV channel change is no longer justified under the public interest standard. Unlike other instances in which the Commission granted voluntary DTV channel change requests, WGN submits that the instant case is distinguishable because WILL relies exclusively on potential cost savings as the public interest benefit from its requested channel change. *See, e.g., Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Hastings, Nebraska)*, MM Docket No. 00-241, released December 1, 2000 (licensee of a noncommercial educational television station demonstrates that its request for substitution of DTV channels is in the public interest based upon alleviating interference with land mobile operations on adjacent channels, in addition to financial considerations). WGN reiterates that given the threat of increased interference to WGN viewers, as demonstrated by the analogous situation for WOOD-TV, the potential cost savings to WILL no longer support the determination that this voluntary channel change is in the public interest.

WGN recognizes that in making initial DTV channel assignments, the Commission was required to make difficult decisions regarding acceptable levels of interference. However, in addressing voluntary DTV channel change requests supported only by a desire to save money, WGN submits that the Commission should be extremely cautious where, as here, there exists a serious threat of creating significant additional incremental interference. WGN renews its offer to work with WILL to try to identify and resolve these potential areas of additional, objectionable interference. Until these efforts are completed, however, WGN submits that final Commission approval of the petition is unwarranted.

Based on the foregoing, petitioner WGN Continental Broadcasting Company respectfully requests that the Commission reconsider the *Urbana Order* and deny the WILL petition for DTV channel change or, at a minimum, defer action on this request until more information is available regarding the actual levels of interference that the proposed operation of WILL-DT will cause to WGN's service area.

Respectfully submitted,



Thomas P. Van Wazer
Jennifer Tatel*
SIDLEY & AUSTIN
1722 Eye Street, N.W.
Washington, D.C. 20006
(202) 736-8119

Attorneys for Petitioner
WGN Continental Broadcasting Company

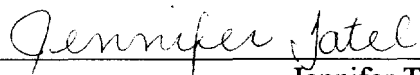
December 4, 2000

* Admitted only in Virginia.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of December, 2000, I caused a true and correct copy of the foregoing Reply to Opposition to Petition for Reconsideration to be served on the below listed party by first class mail, postage prepaid, to the following address:

Wayne Coy, Jr.
COHN AND MARKS
Suite 300
1920 N Street, N.W.
Washington, D.C. 20036-1622



Jennifer Tatel